

Appln. No. 09/932,815

Attorney Docket No. 10541-607

III. Remarks

Claims 7-18 are pending and presently stand rejected based on prior art. Reconsideration and further examination of this application in view of the following remarks is therefore respectfully requested.

Amendments to the Specification

The Examiner requested clarification and support in the Specification for the term "flange" recited in Independent claim 7. In response thereto, Paragraph [0017] has been amended to recite that "the edge region 14 is a flange extending away from the major surface 12 in a direction substantially parallel thereto." Figures 4 and 5 in the original Application as filed show a flange (generally indicated with numeral 14) extending away from and generally parallel to the rib 44. Furthermore, paragraph [0024] of the original Application as filed discloses that the outer layer 26 of the laminate is flush with the outer surface of the hard plastic edge region 14. Therefore, no new matter is added by the amendment.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner rejected claims 7-12, 14-15, and 18 under 35 U.S.C. § 102(b) as being anticipated by EP 0 517 615 (hereinafter the '615 reference).

Claim 7 recites that the molded section includes a body, a rim, and a *flange extending away from and parallel to the rim*. (Emphasis added). The '615 reference discloses a removable insert 15 for a chair 16 having a body portion 14 and a rim portion 8. The '615 reference does not disclose a flange extending away from and parallel to the rim portion 8. (Figures 6-7, Derwent Abstract).

The Examiner states that the frame in the '615 reference extends away and is parallel to the vertical edge of the molding. However, as shown in Figure A below, which is a first marked-up version of Figure 6 from the '615 reference, the rim portion B extends in a first direction Y and the frame A extends in a second direction X that is not parallel to the first direction. Therefore, claim 7 is not anticipated by the '615 reference.

BRINKS
HOFFER
GILSON
& LITTON

Appln. No. 09/932,815

Attorney Docket No. 10541-607

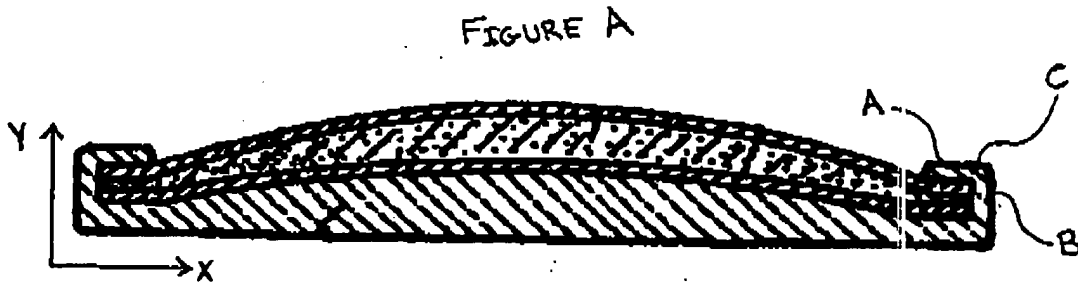


Figure A – First Marked-up Figure 6 from the '615 reference.

If the Examiner is interpreting the '615 reference such that a portion of top surface C is part of the rim B, this interpretation is improper under the language of claim 7. Specifically, claim 7 recites that the flange is "extending away from" and parallel to the rim, not an arbitrary surface. The language requires that the entire component, here the "rim", defines a particular direction. The rim B itself extends in the Y direction, while the frame A extends perpendicularly therefrom. Therefore, amended claim 7 is not anticipated by the '615 reference.

Additionally, the claims require that the rim compress the soft feel section. As defined by the examiner, the "rim B" does not compress the soft feel section.

Claims 8-12 and 18 depend from claim 7, and therefore Applicants respectfully assert that claims 7-12 and 18 are allowable.

Claim 14 recites that the soft-feel section includes *a compressed section and an uncompressed section* and that the *uncompressed section is flush with the rim*. (Emphasis added). As recited in claim 14, the term "flush" requires that the respective components are of a substantially equal height at the point of contact and for a substantial distance along the plane defined by the components.

However, the '615 reference does not disclose the composite material 3 being flush with the rim 8 at the point of contact between the respective components 3, 8 or for a distance along the plane defined by the components. Rather, as shown in Figure B below, which is a second marked-up version of Figure 6 from the '615

BRINKS
HOFFER
GILSON
& ASSOCIATES

Appln. No. 09/932,815

Attorney Docket No. 10541-607

reference, the composite material 3 is not flush with the rim portion 8 along either the x-axis or the y-axis. More specifically, the composite material 3 extends along the X-axis a distance D from the frame before reaching the height of the rim. Also, the composite material is located a distance E below the upper surface of the frame along the Y-axis at the point of contact between the respective components. Additionally, the composite material is located a distance F above the frame along the y-axis at its peak.

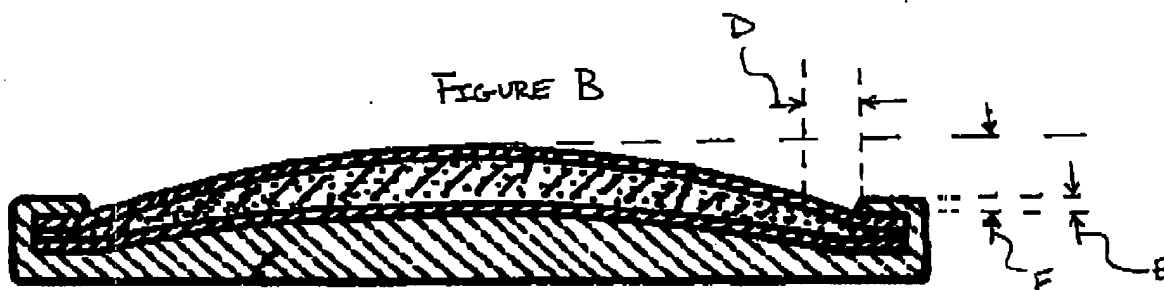


Figure B – Second Marked-up Figure 6 from the '615 reference

Additionally, the claims require that the rim compress the soft feel section. As defined by the examiner, the "rim B" does not compress the soft feel section.

In view of the above, it is seen that the material is not flush with either the rim or the frame, as defined by the examiner. Claims 15-17 depend from claim 14, and therefore Applicants respectfully assert that claims 14-17 are allowable.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 14, 15 and 18 under 35 U.S.C. § 103(a) as being obvious over EP 0 517 615. More specifically, the Examiner stated that it would be obvious to modify the '615 reference to have the composite material 3 and the rim portion 8 flush with each other for aesthetic reasons.

However, as recited in MPEP § 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re

Appln. No. 09/932,815

Attorney Docket No. 10541-607

Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In this case, the chair disclosed in the '615 reference includes a cushion 3 that extends in the vertical direction substantially above the surface of the rim portion 8. If the chair was modified such that the cushion 3 was flush with the frame 16, then the chair user would be sitting on the frame 16 instead of the cushion 3 when the cushion 3 compresses under the weight of the user. Therefore, the chair would be unsatisfactory for its purpose of providing a cushioned seating surface. Conversely, in the present invention, the padded surface 12 shown in Figure 1 provides a cushioned surface for the user.

Additionally, the claims require that the rim compress the soft feel section. As defined by the examiner, the "rim B" does not compress the soft feel section.

Therefore, the prima facie case of obviousness is not met, and the '615 reference fails to render obvious claims 14, 15, and 18.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 13, 16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over the '615 reference in view of JP 05338095 Derwent Abstract (herein after the '095 reference).

Claim 13 depends indirectly from claim 7 and claims 16-17 depend indirectly from claim 14. Therefore, Applicants respectfully assert that claims 13 and 16-17 are not unpatentable in view of the '615 reference for the reasons discussed above.

The '095 reference fails to cure the deficiencies of the '615 reference. More specifically, the '095 reference does not disclose a flange extending away from and parallel to the rim portion or the rim portion compressing the cushion, as recited in claim 7. Therefore, amended claim 7, and the claims depending therefrom, are not obvious based on the '615 reference in view of the '095 reference. Additionally, the '095 reference does not disclose a composite material being flush with the rim, as recited in claim 14. (Derwent Abstract). Therefore, amended claim 14, and the claims depending therefrom, are not unpatentable by the '615 reference in view of the '095 reference.

BRINKS
HOFER
GILSON
ELIONE

Appln. No. 09/932,815

Attorney Docket No. 10541-607

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

January 18, 2005

Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)

Attachment: None

BRINKS
HOFFER
GILSON
ELIDNE